

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

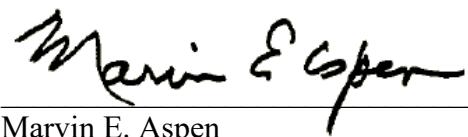
Jerome E. Watson, Jr.,)
Plaintiff,)
v.)
Illinois Sex Offender Management Board et al.)
Defendants.)
No. 22-cv-0822
Hon. Marvin E. Aspen

ORDER

Plaintiff's application to proceed in forma pauperis [4] is held in abeyance. Counsel should review Plaintiff's pleadings and attempt to confer with Plaintiff prior to the April 14, 2022 status hearing. Counsel shall submit a status report by April 7, 2022, informing the Court whether he plans to proceed with a civil rights action or *habeas corpus* action in this matter and how much time is needed to submit an amended complaint/petition.

STATEMENT

The Executive Committee granted leave for Plaintiff to file recent documents and recruited Kenneth N. Flaxman to assist Plaintiff. (Dkt. No. 1.) The documents include both a civil rights complaint (Dkt. No. 2) and a *habeas corpus* petition (Dkt. No. 7). A suit that “challenges the fact and duration of [a prisoner’s] confinement and seeks immediate or speedier release” must be brought in a *habeas corpus* petition. *Heck v. Humphrey*, 512 U.S. 477, 481, 114 S. Ct. 2364, 2369 (1994) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 488–90, 93 S. Ct. 1827, 1835–37 (1973)). However, a suit must be brought as a civil rights action when the requested result does not result in immediate or earlier release from prison, and success does not necessarily demonstrate the invalidity of the conviction. *Wilkinson v. Dotson*, 544 U.S. 74, 81–82, 125 S. Ct. 1242, 1247–48 (2005). *Habeas corpus* and civil rights claims cannot be brought in the same suit as they have different filing fees (\$5 v. \$402), proper parties (warden v. person who committed the alleged wrongful act), and are governed by different statutes (AEDPA v. PLRA). *Moore v. Pemberton*, 110 F.3d 22, 23–24 (7th Cir. 1997) (per curiam). Accordingly, counsel should review Plaintiff’s pleadings and attempt to confer with Plaintiff prior to the April 14, 2022 status hearing. Counsel shall submit a status report by April 7, 2022, informing the Court whether he plans to proceed with a civil rights action or *habeas corpus* action in this matter and how much time is needed to submit an amended complaint/petition.



Marvin E. Aspen
United States District Judge

Dated: March 7, 2022